

By Mrs. Cleven of Chelmsford, petition of Mark Brown for legislation to establish a media fairness commission, a code of ethics and rules of conduct for communication outlets. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT ESTABLISHING A MEDIA FAIRNESS COMMISSION, A CODE OF ETHICS AND RULES OF CONDUCT FOR COMMUNICATIONS OUTLETS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established a media fairness
2 commission which shall prepare a code of ethics, rules of conduct
3 and anti-fraud measures for communications, media outlets, radio
4 broadcast stations, television and cable broadcasting stations,
5 newspapers and other outlets delivering or offering news,
6 discussion programs, talk shows or call-in programs that hold
7 themselves out to allow a multiplicity of issues of public
8 importance to be raised, aired or debated by the people of the
9 commonwealth.

1 SECTION 2. There is hereby established a twelve member
2 commission, to be known as the media fairness commission,
3 appointed by the governor, for three year terms. Said commis-
4 sion shall serve under the department of public utilities and its
5 prime responsibility shall be to hear complaints from the public
6 who have grievances against the communications media outlets
7 in the commonwealth and shall act as adjudicators. Complaints
8 against any media outlet shall be filed with the commission,
9 hearings shall be informal and the rules of evidence shall apply
10 as used in small claims cases in the district courts.

11 The commission shall prepare and disseminate rules of conduct,
12 a code of ethics and anti-fraud measures which shall contain, but
13 not be limited to the following:

14 (1) rules for the fair treatment of all persons who call into radio
15 or television call-in shows, so-called; no person may be prohibited
16 or banished from calling into a station, except for racial or
17 religious hate-mongering statements or remarks; stations who
18 banish callers for said remarks will retain copies of tapes of said
19 remarks and make them available for hearings concerning the
20 banishment before the commission;

21 (2) no host of a radio or television telephone call-in show shall
22 insult or call any person names or in any manner or fashion
23 demeaning or belittling to them;

24 (3) no broadcasting station shall use an unbalanced micro-
25 phone on telephone call-in shows such that the caller's voice is
26 drowned out as soon as the host begins to speak, nor shall they
27 use this or any other electronic means to render the caller's
28 remarks inaudible or unintelligible;

29 (4) no broadcasting station shall authorize or allow any host
30 to suspend a telephone caller to a telephone call-in show on hold
31 for exorbitant amounts of time while allowing other later callers
32 to access the airwaves first;

33 (5) all telephone call-in shows shall allow at least fifty percent
34 of air or broadcast time on such shows to the "open lines" portion
35 such that any topic of public importance may be discussed;

36 (6) all newspapers shall reserve no less than one full page for
37 every seventy pages of the publication for readers to submit letters
38 on issues of public importance. Said page shall be contiguous with
39 or opposite the editorial page so-called; syndicated letters columns
40 may not be included in said page count; no newspaper shall set
41 the upper limit on the length of such letters to any count fewer
42 than one thousand words; a newspaper may not edit a letter except
43 for spelling without explicit permission from the author;
44 publications may not require that letters to the editor only be
45 submitted when in response to material already printed in the
46 same publication;

47 (7) all media outlets in the commonwealth shall provide at least
48 some time or space for discussion of a variety of issues of public
49 importance to be addressed through their outlet; media outlets
50 that provide time or space for discussion of issues of public
51 importance shall provide reasonable amounts of time or space

52 without charge to the public for 1) new issues of public importance
53 to be raised, and for 2) opposing viewpoints on issues of public
54 importance that are already being addressed on that media outlet
55 to be aired;

56 (8) no media outlet in the commonwealth shall interfere with
57 or abridge a citizen's right to freedom of speech or the right of
58 persons to peaceably assemble and petition the government for
59 a redress of their grievances;

60 (9) all media outlets shall furnish a tape of a broadcast show
61 or copy of a printed story in response to a written request from
62 a viewer or reader at a cost no greater than the cost of the blank
63 tape or blank photocopy paper used and the mail shipping charges
64 incurred;

65 (10) no media outlet may set an arbitrary minimum interval
66 between each access to the airwaves for a specific viewer or listener
67 or to letters to the editor in print greater than twenty-four hours;

68 (11) upon request, a caller to a talk show may have sixty
69 seconds of uninterrupted speech to make a point without
70 harassment or badgering from the talk-show host or guests of the
71 show;

72 (12) all media outlets will be required to report annually to the
73 secretary of consumer affairs an annual employment report using
74 forms equivalent in detail and scope to the Federal Communi-
75 cations Commission Form 395 and 396; all media outlets will be
76 required to send the most recently completed copy of said forms
77 to any person upon written request;

78 (13) all media outlets will refrain from hate-mongering remarks
79 that encourage hatred amongst listeners against people on the
80 basis of race or religion, whether these people be within or without
81 the commonwealth;

82 (14) all media outlets will refrain from wilful, deliberate fraud
83 or deception of the public on matters of public importance or in
84 order to derive pecuniary profit or in order to increase viewership,
85 listenership, readership or circulation;

86 (15) hearings will be held at a maximum of sixty days after the
87 filing of a complaint under this statute;

88 (16) transcripts of hearings and copies of complaints or
89 decisions filed with the commission created herein shall be made
90 available to the public at a cost no greater than five cents per page;

91 (17) the commission created herein shall have subpoena
92 authority to require media outlets to provide it with their business
93 records and personal appearance at hearings.

94 (18) programs, whose prime objective is as a commercial to
95 advertise a product, whose length extends longer than one minute
96 on television or cable television, will have super imposed the word
97 "advertisement" on the screen throughout the transmission. In the
98 case of such extended program-commercials on the radio, they
99 will be broadcast only with an explanation describing the program
100 as an "extended advertisement" at a minimum of every three
101 minutes;

102 (19) any media outlet which disseminates the results of a poll
103 during its transmissions will describe during that transmission the
104 methodology used to gather the responses that the poll represents.
105 In addition, detailed information about the poll will be made
106 available by mail at a cost of more than five cents per page plus
107 the cost of postage. Such information will be inclusive of but not
108 restricted to:

109 (a) total number of people who were contacted

110 (b) total number and percentage of people who actually
111 responded fully to the poll

112 (c) the exact text of the questions asked

113 (d) the order in which the questions were asked

114 (e) name of company or organization who provided the phone
115 numbers or person names contacted in the sample and the
116 methodology utilized in this process

117 (f) name of company or organization which contacted the
118 target phone numbers of persons in the sample

119 (g) the total number of people contacted who had ever been
120 contacted before by the various organizations who participated
121 in the poll

122 (h) a list of the actual phone numbers or person's names which
123 were contacted.

124 (20) during the six weeks immediately preceding contested
125 primary and general state and federal elections, media outlets in
126 the commonwealth will provide free political campaign
127 commercial time or print-space in equal amounts to both
128 candidates. Such commercials will always be narrated by the

129 candidate airing the commercial and will feature that candidate
130 on screen at all times.

131 The commission is hereby authorized to order a media outlet
132 found to be in violation of any clause of this section to:

133 (a) pay a fine for each instance of each violation of at least five
134 thousand dollars and not to exceed fifty thousand dollars

135 (b) cure the violation in its subsequent on-air broadcasts,
136 television and radio, or in print or newspapers, as determined by
137 the commission.

138 The plaintiff shall have the option to bypass the media fairness
139 commission and present the case before the superior court and,
140 again if selected, solely at the discretion of the plaintiff, a jury.
141 Court rules for such hearings will be as in a small claims hearings.

1 SECTION 3. The unreported payment to, or offer of payment
2 to, or threat to withdraw future payment from, or acceptance of
3 payment by, or solicitation of payment by, broadcast stations or
4 their employees, cable stations or their employees, program
5 producers, program suppliers, newspapers or their employees of
6 any money, service or valuable consideration in order to achieve
7 airplay on media outlets such as broadcast or cable stations for
8 any programming or print-space in newspapers for any readable
9 material, or in order to achieve the exclusion of certain material
10 from said media outlets, shall be a felony carrying criminal
11 penalties of a fine up to one hundred thousand dollars,
12 imprisonment of up to a year in a house of correction, or both.

13 In addition, all owners of newspapers, broadcast stations, cable
14 stations or their employees, program producers, program
15 suppliers, newspapers or their employees shall periodically
16 report to the secretary of consumer affairs in writing, the terms
17 of any contract, written or verbal with any party paying for the
18 insertion or exclusion of programming or editorial material on
19 the media outlet. Such information will be made available to the
20 public by said secretary's office at cost of no more than five cents
21 per page, plus postage costs.

22 The payer and the recipient of the alleged bribe may avoid the
23 penalties stated herein by proving that said media outlet exercised
24 reasonable diligence to disclose publicly, through the specific

25 media outlet in question, every time said programming or readable
26 material was broadcast or not broadcast, printed or not printed,
27 that the decision to broadcast or print said material was paid for
28 and to disclose the identify of the person or company furnishing
29 said valuable consideration.

